

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on December 6, 2010, and the references cited therewith.

Claims 96, 102, 104, and 106 are amended, claims 1-95 are canceled, and no claims are added; as a result, claims 96-106 are now pending in this application.

#### **Examiner Interview Summary**

Applicant thanks Examiner Kathleen Sonnett for the courtesy of a telephone interview on March 1, 2011. Applicant and Examiner Sonnett appeared to reach agreement that independent claims 96, 104, and 106 and the remarks, as presented herein, would overcome the rejections in the present Office Action. Applicant thanks Examiner Sonnett for her time and consideration.

#### **Information Disclosure Statement**

Applicant respectfully requests that a copy of the 1449 Form, listing all references that were submitted with the Information Disclosure Statement filed on May 13, 2009, October 16, 2008, August 18, 2004, April 26, 2001, March 12, 1999, and December 20, 1996, marked as being considered and initialled by the Examiner, be returned with the next official communication.

#### **§103 Rejection of the Claims**

Claims 96-99 and 101-103 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin (U.S. Patent No. 5,575,817) in view of Hillstead (U.S. Patent No. 4,856,516) and Cottone, Jr. (U.S. Patent No. 5,549,663). Applicant respectfully traverses the rejection as follows.

The Martin '817 reference appears to teach, "An apparatus and method for reinforcing a bifurcating blood vessel." (Abstract). The Martin '817 reference appears to go on show, in Figure 4, a second section 2 of a bifurcated graft that can

be inserted into a lower limb 5 of the first section 1 of the bifurcated graft. The second section shown in Figure 4 appears to illustrate a configuration with a gradually narrowing taper at the proximal end that transitions into a widening taper far outside the lower limb of the first section of the bifurcated graft.

Hence, Applicant respectfully submits that the Martin '817 reference does not teach at least one distal stent having a proximal end and a distal end including a male engaging portion having a frustoconical configuration that flares outward on the proximal end from an elongate cylinder extending from a medial portion to the distal end of the at least one distal stent, a proximal stent having two transversely placed tapering portions that extend from an intermediate portion to a distal end of the proximal stent to reinforce a bifurcated lumen, and the proximal stent also having at least one distal orifice at the distal end of at least one of the tapering portions which when expanded serves to receive the male engaging portion having the frustoconical configuration of the at least one distal stent completely within a female engaging portion of the distal orifice. Applicant respectfully submits that the Hillstead reference and the Cottone reference, individually or in combination, do not cure the deficiencies of the Martin '817 reference.

In contrast, Applicant's independent claim 96, as currently amended, presently recites in part:

at least one distal stent having a proximal end and a distal end comprising a male engaging portion having a frustoconical configuration that flares outward on the proximal end from an elongate cylinder extending from a medial portion to the distal end of the at least one distal stent;

the proximal stent having two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen;

the proximal stent also having at least one distal orifice at the distal end of at least one of the tapering portions which when expanded serves to receive the male engaging portion having the frustoconical configuration of the at least one distal stent completely within a female engaging portion of the distal orifice;

As such, Applicant respectfully submits that the Martin '817, Hillstead, and Cottone references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claim 96, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of independent claim 96, as currently amended, as well as those claims that depend therefrom.

Claim 100 was rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin '817 in view of Hillstead and Cottone as applied to claim 96 above, and further in view of Liebig (U.S. Patent No. 3,805,301). Applicant respectfully traverses the rejection as follows.

Claim 100 depends from independent claim 96. As presented above, Applicant respectfully submits that the independent claim 96, as currently amended, is in condition for allowance in view of the deficiencies of the Martin '817, Hillstead, and Cottone references. From review of the Liebig reference, Applicant respectfully submits that the reference does not cure the deficiencies of the Martin '817, Hillstead, and Cottone references. That is, the Martin '817, Hillstead, Cottone, and Liebig references, individually or in combination, do not teach, suggest, or render obvious:

at least one distal stent having a proximal end and a distal end comprising a male engaging portion having a frustoconical configuration that flares outward on the proximal end from an elongate cylinder extending from a medial portion to the distal end of the at least one distal stent;

the proximal stent having two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen;

the proximal stent also having at least one distal orifice at the distal end of at least one of the tapering portions which when expanded serves to receive the male engaging portion having the frustoconical configuration of the at least one distal stent completely within a female engaging portion of the distal orifice;

as recited in Applicant's independent claim 96, as currently amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of dependent claim 100.

Claims 104 and 106 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin (U.S. Patent No. 5,653,743) in view of Martin '817, Hillstead, and Cottone. Applicant respectfully traverses the rejection as follows.

The Martin '743 reference appears to teach, "A small bifurcated graft is described which may be placed in each hypogastric artery to maintain patency". (Abstract). The Martin '743 reference appears to go on teach, in referring to Figure 1, "A short tube graft 8, having a length of 0.5-1.5 cm, preferably 1.0 cm, may be attached at opening 7 to graft 2." (Col. 3, lines 1-3).

Further, the Martin '817 reference appears to teach, "An apparatus and method for reinforcing a bifurcating blood vessel." (Abstract). The Martin '817 reference appears to go on show, in Figure 4, a second section 2 of a bifurcated graft that can be inserted into a lower limb 5 of the first section 1 of the bifurcated graft. The second section shown in Figure 4 appears to illustrate a configuration with a gradually narrowing taper at the proximal end that transitions into a widening taper far outside the lower limb of the first section of the bifurcated graft.

Hence, Applicant respectfully submits that the Martin '743 reference and the Martin '817 reference do not teach first and second distal stents each having a proximal end and a distal end including a male engaging portion having a frustoconical configuration that flares outward on the proximal end from an elongate cylinder extending from a medial portion to the distal end of the first and second one distal stents, the proximal stent having two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen, the proximal stent also having a distal orifice at the distal end of at least one of the tapering portions that when expanded receives the male engaging portion having the frustoconical configuration of at least one proximal end of the first and second distal stents completely within a female

engaging portion of the distal orifice. Applicant respectfully submits that the Hillstead reference and the Cottone reference, individually or in combination, do not cure the deficiencies of the Martin '743 and '817 references.

In contrast, Applicant's independent claim 104, as currently amended, presently recites in part:

first and second distal stents each having a proximal end and a distal end comprising a male engaging portion having a frustoconical configuration that flares outward on the proximal end from an elongate cylinder extending from a medial portion to the distal end of the first and second one distal stents;

the proximal stent having two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen;

the proximal stent also having a distal orifice at the distal end of at least one of the tapering portions that when expanded receives the male engaging portion having the frustoconical configuration of at least one proximal end of the first and second distal stents completely within a female engaging portion of the distal orifice;

In addition, independent claim 106, as currently amended, presently recites:

a proximal stent and a pair of distal stents each having a proximal end and a distal end, the proximal stent being expandable and having the distal end and a proximal orifice at the proximal end, the proximal stent having two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen, the proximal stent also having two distal orifices at the distal ends of the tapering portions which when expanded serve to receive the proximal ends of the pair of distal stents comprising a male engaging portion each having a frustoconical configuration that flares outward on the proximal end from an elongate cylinder extending from a medial portion to the distal end, wherein the male engaging portions having the frustoconical configurations of the pair of distal stents are each positioned completely within a female engaging portion of each of the two distal orifices, wherein each of the proximal and distal stents comprises an expandable stent constructed with a wire skeleton having one or more parts that extends from the respective proximal ends to the respective distal ends to further reinforce the bifurcated lumen, wherein the proximal stent and the at least one distal stent each comprises a plurality of hoops which are axially displaced in a

tubular configuration along a common axis, each of said hoops being formed by a substantially complete turn of a sinuous wire having apices and having a circumference that lies in a plane substantially perpendicular to the longitudinal axis of said stent, wherein apices of adjacent hoops are juxtaposed to one another and at least two juxtaposed apices are connected by a securing means, and wherein cross-sectional areas of each of the two distal orifices of the proximal stent when expanded are sufficiently less than cross-sectional areas of each of the proximal ends of the distal stents when expanded within the distal orifices to at least partially secure together the proximal and distal stents at the distal orifice when the proximal end of the distal stents are expanded therein.

As such, Applicant respectfully submits that the Martin '743, Martin '817, Hillstead, and Cottone references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claims 104 and 106, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of independent claims 104 and 106, as currently amended, as well as those claims that depend therefrom.

Claim 105 was rejected under 35 USC § 103(a) as being allegedly unpatentable over Martin '743 in view of Martin '817, Hillstead and Cottone, as applied to claim 104 above and further in view of Chuter (U.S. Patent No. 5,562,726). Applicant respectfully traverses the rejection as follows.

Claim 105 depends from independent claim 104. As presented above, Applicant respectfully submits that independent claim 104, as currently amended, is in condition for allowance in view of the deficiencies of the Martin '743, Martin '817, Hillstead, and Cottone references. From review of the Chuter reference, Applicant respectfully submits that the reference does not cure the deficiencies of the Martin '743, Martin '817, Hillstead, and Cottone references. That is, the Martin '743, Martin '817, Hillstead, Cottone, and Chuter references, individually or in combination, do not teach, suggest, or render obvious:

first and second distal stents each having a proximal end and a distal end comprising a male engaging portion having a frustoconical configuration that flares outward on the proximal end from an elongate cylinder extending from a medial portion to the distal end of the first and second one distal stents;

the proximal stent having two transversely placed tapering portions that extend from an intermediate portion to the distal end of the proximal stent to reinforce the bifurcated lumen;

the proximal stent also having a distal orifice at the distal end of at least one of the tapering portions that when expanded receives the male engaging portion having the frustoconical configuration of at least one proximal end of the first and second distal stents **completely within** a female engaging portion of the distal orifice;

as recited in Applicant's independent claim 104, as currently amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of dependent claim 105.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0126 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being electronically filed with the United States Patent and Trademark Office on this 7<sup>th</sup> day of March, 2011.

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